HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO.4639 of 2005.

PETITIONER Vijay Kumar Choudhary S/o Late Shri Jagdeven Choudhary, Choudhary Motor Service Main Road Distt.- Lohar Daga, Jharkhand.

Versus

RESPONDENTS

1. State Transport Appeallate Tribunal Raipur (C.G.)
2. Assistant Secretary State Transport Authority D.K.S. Bhavan, Raipur Chhattisgarh
3. Regional Transport Authority Through- Secretary D.K.S. Bhavan, Raipur (C.G.)
4. Kishore Kumar Mantri S/o Late Fateh Chand Mantri Ratu Road, Ranchi Jharkhand.

Present : Shri Ajay Shrivastava, learned counsel for the petitioner.

Shri Yaswant Singh, learned G.A., for the State of Chhattisgarh.

ORAL ORDER

(Passed on 22nd December, 2005)

The petitioner has preferred a revision petition to the State Transport Appellate Tribunal against the order of counter signature and the said revision petition is pending. In that revision petition, it appears that the petitioner made an application for stay. That application has been rejected by the STAT by the impugned order.

2. Heard learned counsel for petitioner.

3. The order made under section 88(4) of the Motor Vehicles Act, 1988 is adverse to the petitioner. Unless the petitioner succeeds before the revisional authority, it is neither just nor fair to grant the interim order.

4. In that view of the matter, the discretion exercised by the STAT in rejecting the application could not be faulted with. The writ petition is therefore, dismissed. However, the STAT is directed to dispose of the revision preferred by the petitioner within a period of six weeks from the date of receipt of a copy of this order.

Sd/-
Chief Justice

Brajesh